



An
Bord
Pleanála

Inspector's Report ABP 306915-20 Supplementary Report

Development

Solar Farm

Location

Fiddane, Ballyhea, Charleville, Co.
Cork.

Inspector

Pauline Fitzpatrick

1.0 Introduction

- 1.1. The Board previously made a decision on this appeal on the 15th November, 2018 under reference number ABP 301028-18. That decision was quashed by order of the High Court, perfected on 20th March, 2020 subsequent to the Court's written judgement of the 31st January 2020. The case was remitted back to the Board to determine the planning application concerned in accordance with law.
- 1.2. My previous report on file ref. ABP 301028-20 dated 24/08/18 and supplementary report on ABP 306915-20 dated 10/08/20 refer.
- 1.3. In correspondence dated 22/09/20 the Board advised the applicant that certain information is necessary for the purpose of enabling it to determine the application. In accordance with section 177T(5) of the Planning and Development Act, 2000, as amended, the applicant was required to submit a Natura Impact Statement.
- 1.4. A NIS, Construction Environmental Management Plan and plans and drawings, in addition to copies of the public notices were received by the Board on 12/11/20.

2.0 Section 131 Notice

- 2.1. The relevant parties to the case were invited to make a submission/observation in relation to the submission received from the applicant on the 12/11/20.
- 2.2. No responses received.

3.0 Relevant Planning History:

Since my assessment in 2018 I note the following:

- 3.1. **ABP-308846-20 (19/6817)** – current 3rd party appeal against planning authority's notification of decision to grant permission for 4,387 metres of underground 38kV electricity cable to connect the proposed solar farm to the Charleville 110kV substation. A NIS accompanies the application.
- 3.2. **20/4041** – current application with Cork County Council for solar farm on 10.276 hectares and underground grid connection in the vicinity of Ballyroe c. 2.5km to the south-east of the subject site. The application is accompanied by a NIS. No decision at time of writing of report.

4.0 Planning Assessment

4.1. The Board is advised that consequent to my report of 24/08/18 the Regional Spatial and Economic Strategy for the Southern Region came into effect (31st January 2020). The following objectives are considered of relevance:

4.2. Objective RPO 87 - Low Carbon Energy Future.

The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

4.3. Objective RPO 95 - Sustainable Renewable Energy Generation

It is an objective to support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA and leverage the Region as a leader and innovator in sustainable renewable energy generation.

4.4. The local planning policy context remains unchanged with the Cork County Development Plan 2015 in force.

4.5. I am satisfied that the RSES does not give rise to any changes to the conclusions reached in the previous report in terms of the principle of the development and the issues arising with respect to the proper planning and sustainable development of the area including residential amenity, drainage, visual impact and glint and glare.

5.0 Appropriate Assessment

5.1. Compliance with Articles 6(3) of the EU Habitats Directive

5.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal

will not adversely affect the integrity of the European site before consent can be given.

5.1.2. A Natura Impact Statement (NIS) was received by the Board on the 12/11/20. It contains a description of the proposed development, the project site and the surrounding area. It contains Screening for Appropriate Assessment in Section 1. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and its conservation objectives.

5.1.3. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

5.1.4. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

5.2. Brief Description of the Development

5.2.1. The proposal is seeking permission for a solar farm on a 67.8 hectare site with a maximum installed capacity of up to 30.6 MW. The main elements of the proposed development can be summarised as follows:

- Solar PV modules (total number estimated to be 87,536)
- Underground cabling and ducting
- 14 no. transformer stations
- 38kV ESB networks control room
- Boundary security fencing (mammal accessible)
- Site entrance via existing farm access in the north-west corner
- CCTV

- Landscaping
- Temporary construction compound near access

5.2.2. The PV modules are ground mounted on galvanised steel support structures/frames in an east to west alignment which are fixed at an angle of up to 30 degrees facing south. The panels will have a maximum height above ground of 2.1 metres.

5.2.3. The farm buildings on site are to be retained.

5.2.4. Connection to Charleville 110kV substation via an underground 38kV line along the local road is proposed. This has been subject of a separate application under ref. 19/6817 to Cork County Council for installation of 4,387 metres of underground electricity cable. A NIS accompanies the application. The planning authority's notification of decision to grant permission has been appealed to the Board under ref. ABP-308846-20.

5.3. **Submission and Observations**

As noted above the relevant parties to the case were invited to make a submission/observation in relation to the documentation received from the applicant on the 12/11/20.

No responses received.

5.4. **Stage 1 – Screening**

5.4.1. Screening for Appropriate Assessment was prepared by the applicant and is included in Section 1 of the NIS. In determining the extent of potential effects of the PRD, the applicant took a precautionary approach in using a 15km radius around the development footprint as a potential zone of influence with other designated sites further than 15km away assessed in terms of any hydrological connection. 3 no. European Sites are included in the screening exercise. The source-pathway-receptor model of impact prediction was employed.

5.4.2. The full catalogue of qualifying interest features of the SAC sites and special conservation interests of the SPA site were listed in the screening report and examined in view of the following types of impacts that could result in significant effects on the conservation objectives of those European sites

- 5.4.3. The Blackwater River (Cork/Waterford) SAC (site code 002170) is located approx. 550 metres to the south of the appeal site. The Awbeg West (Fiddane) Stream on the south-western boundary of the site and the Oakfront Stream on the eastern boundary enter the SAC downstream of the proposed development site. A number of drainage channels traverse the site. The screening report determined that further assessment was required to establish whether the proposed PRD could adversely affect the integrity of the site.
- 5.4.4. The possibility of significant effects on the other 2 European Sites within the 15km zone was ruled out due to the distance of those sites from the proposed development and lack of ecological connections.
- 5.4.5. Based on an examination of the Screening report for appropriate assessment and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, proximity and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that the proposed development may result in significant effects (or such effects cannot be ruled out at this stage) on one European site and therefore, appropriate assessment is required to determine if adverse effects on site integrity can be ruled out. I include a summary of the screening assessment in relation to the 3 no. European sites considered in Table 1 below.

Appropriate Assessment Screening Determination

- 5.4.6. Following the screening process, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European site (i.e. there is the possibility of significant effect):

Blackwater River (Cork/Waterford) SAC (site code 002170)

- 5.4.7. The possibility of significant effects on 2 other European sites considered in screening for appropriate assessment of the proposed development (alone or in combination with other plans and projects) have been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

1. Ballyhoura Mountains SAC (site code 002036)

2. Kilcolman Bog SPA (site code 004095)

5.4.8. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

Table 1 : AA Screening Summary Matrix				
European /Natura 2000 Site www.npws.ie	Distance from proposed development/ Source, pathway, receptor	Possible significant effect (alone)	In combination effects	Screening conclusion
Blackwater River (Cork/Waterford) SAC (site code 002170) Qualifying interests consisting of coastal and freshwater habitats and species	The nearest point of the SAC is approx. 600 metres to the south-west of the development site. Connection via streams on the south-western and eastern boundaries of the site.	Potential impacts to water quality and water dependent habitats and species and disturbance of key species: development may result in significant effects alone.	Possible- requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment and the application of mitigation measures- Appropriate assessment required.
Ballyhoura Mountains SAC (site code 002036) Qualifying interests consisting of upland heaths	c.10 km to the east of the development site Upslope of development site. No hydrological connection.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
Kilcolman Bog SPA (site code 004095) Qualifying interests consist of	c.10 km to the south-east of the development site.	No possibility of effects due to the separation distance from the	No possibility of in-combination effects.	Screened out for need for appropriate assessment.

Whooper Swan, Teal, Shoveler , Wetland and Waterbirds	No hydrological connection. The site does not have habitat to support the Special Conservation Interests	development and absence of ecological connections.		
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5.5. Appropriate Assessment

The Natura Impact Statement

- 5.5.1. The NIS examines and assesses potential adverse effects of the proposed development on 1 no. designated European Site.
- 5.5.2. The NIS is stated as having been informed by best practice guidance for such assessments, a desktop and literature study, including NPWS databases, the synopses, Natura 2000 Data Forms and conservation objectives and EPA mapping, and habitat and species surveys.
- 5.5.3. Section 4.4 of the NIS contains an assessment of the potential impacts of the proposed development on the identified European Site and in-combination effects, while Section 4.5 sets out a series of mitigation measures.
- 5.5.4. The NIS concluded that there will be no significant effects to the integrity of the designated sites.
- 5.5.5. Details of consultations had by the applicant with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and Inland Fisheries Ireland are detailed in section 4.2.2. of the NIS.
 - The Department had no observations from an ecological perspective.
 - Inland Fisheries Ireland makes recommendations for design of the drainage network, surface water discharge and storage of fuel oils.
- 5.5.6. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered including the proposed underground electricity connection to Charleville 110kV substation subject of a current appeal under ref. ABP 308846-20 and the current application for a solar farm and underground grid connection on 102.76 hectares at Ballyroe c. 2.5km to the south-east of the subject site. Both applications are accompanied by a NIS.
- 5.5.7. Having reviewed the NIS and all supporting documentation, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European site alone, or in combination with other plans and projects.

Appropriate Assessment of Implications of the Proposed Development.

5.5.8. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best available scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

European site:

5.5.9. The following site is subject to appropriate assessment.

Blackwater River (Cork/Waterford) SAC (site code 002170)

5.5.10. A description of the site and its conservation interests including relevant attributes and targets are set out in the NIS and summarised in Table 2 of this report as part of my assessment. I have also examined the Natura 2000 data form and the conservation objectives supporting document for the site, available through the NPWS website (www.npws.ie). I am satisfied that in-combination effects have also been considered and adequately assessed in the NIS.

Aspects of the proposed development

5.5.11. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include;

- Impacts to water quality and water dependant habitats and species through construction related pollution events, operational impacts and decommissioning related pollution events

- Introduction of non-native invasive species

5.5.12. Table 2 summarises the appropriate assessment and integrity test. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed.

Table 2 Blackwater River (Cork/Waterford) SAC

Conservation Objectives: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002170.pdf

Summary of Appropriate Assessment

Conservation Objective To maintain (M) or Restore (R) the favourable conservation condition of the following:	Targets and attributes (summary-as relevant)	Potential adverse effects	Mitigation measures (including monitoring)	In-combination effects	Can adverse effects on integrity be excluded?
Freshwater Pearl Mussel (R)	Maintain distribution, restore to 35,000 adults, restore population structure, targets re. limit adult mortality, restore suitable habitat, water quality, substratum quality, appropriate hydrological regimes and maintain sufficient juvenile salmonids. Nearest mapped distribution is over 30	<p>Indirect Impacts</p> Hydrological connection via Oakfront Stream along eastern site boundary and Awbeg West (Fiddane) stream along south-western boundary. <p>Construction Phase</p> Potential for decrease in water quality due to	<p>Construction Phase</p> Best practice pollution prevention methods set out in Construction Environmental Management Plan. Use of silt fences and straw bales to prevent silt laden water entering the drainage ditches and in turn discharging to adjoining watercourses. To remain in place until site has been fully landscaped.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on this species in view of the conservation objectives.

	km downstream with no mapped suitable habitat in vicinity of site (map 8)	<p>ingress of sediment and construction related pollutants.</p> <p>Potential for spread of non-native plant species and Crayfish plaque.</p> <p><u>Operational Phase</u></p> <p>Potential for decrease in water quality due to ingress of pollutants arising from</p>	<p>Buffer zones to watercourses and drainage channels.</p> <p>Temporary haul road and access roads to be constructed using permeable material laid on suitable geotextile membrane.</p> <p>No mass overburden stripping. Cut and cover method of excavation.</p> <p>Restrictions on stockpiling of stripped overburden and building materials.</p>		
White-clawed Crayfish (M)	No reduction from baseline distribution, population structure targets, absence of alien crayfish species and instances of disease, at least Q3-4 water quality, no decline in heterogeneity or habitat quality.	<p>maintenance and cleaning activities and accidental spillage.</p> <p>Potential for spread of non-native plant species and Crayfish plaque.</p>	<p>No concrete production to take place on site.</p> <p>No plant to be allowed within 100 metres of Oakfront and Awbeg West (Fiddane) streams following heavy rain.</p> <p>Appropriate treatment and cleaning of vehicles and</p>	None	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on this species in view of the conservation objectives.</p>

	Nearest mapped area c. 2 km downstream. (map 9)	<u>Decommissioning Phase</u> Potential for decrease in water quality due to ingress of sediment and related pollutants comparable to construction phase.	equipment for prevention of spread of invasive species. Soil or fill material imported to the site to be checked in advance by ecologist to ensure against invasive species.		
Sea Lamprey (R)	Extent of anadromy, targets re. juveniles population structure, density in fine sediment, and available of habitat, no decline in extent and distribution of spawning habitat. Nearest mapped area (juvenile) upstream. Nearest mapped area (spawning) over 35 km downstream (map 10)	Potential for spread of non-native plant species and Crayfish plaque	<u>Operational Phase</u> Monitoring of stream banks to ensure their stability. Stormwater management measures comprising individual soakaway system for 14 invertor cabins & 1 DNO substation.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on this species in view of the conservation objectives.

<p>Brook Lamprey (M) River Lamprey (M)</p>	<p>Access to all watercourses, targets re. juveniles population structure, density in fine sediment, and availability of habitat, no decline in extent and distribution of spawning beds</p> <p>Nearest mapped area over 10km downstream (map 10)</p>		<p>All debris from maintenance/cleaning to be removed and disposed.</p> <p>Mammal accessible fencing to be installed around site perimeter.</p> <p><u>Decommissioning Phase</u></p> <p>Prior to decommissioning, site assessment to be undertaken and any changes in habitat that may be affected identified.</p>	<p>None</p>	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these species in view of the conservation objectives.</p>
<p>Salmon (M)</p>	<p>Extent of anadromy, Number of spawning fish, no significant decline in out-migrating smolt abundance or number and distribution of redds and Q4 water quality</p>		<p>Measures comparable to those set out for construction phase above to be implemented</p> <p>Use of silt fences and straw bales to prevent silt laden water entering the drainage ditches and in turn discharging to adjoining watercourses.</p>	<p>None</p>	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on this species in view of the conservation objectives.</p>
<p>Otter (R)</p>	<p>No significant decline in distribution or extent of terrestrial, freshwater or</p>			<p>None</p>	<p>Yes</p> <p>Adverse effects on site integrity can be</p>

	<p>marine habitat. No significant decline in couching or holt sites.</p> <p>No significant decline in fish biomass available, no significant increase in barriers to connectivity.</p> <p>No evidence of Otter on site.</p>				<p>excluded as there is no doubt as to absence of effects on this species in view of the conservation objectives.</p>
<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (M)</p>	<p>No decline in habitat distribution with habitat area stable or increasing, maintenance of appropriate hydrological regimes including tidal influence, substratum composition and water quality, vegetation composition and floodplain connectivity.</p>			<p>None</p>	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on this habitat in view of the conservation objectives.</p>
<p>Estuaries (M)</p>	<p>These qualifying interests are</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Yes</p>

<p>Mudflats and mudflats not covered by seawater at low tide (M)</p> <p>Perennial vegetation of stony banks (M)</p> <p>Salicornia and other annuals colonising mud and sand (M)</p> <p>Atlantic Salt Meadows (R)</p> <p>Mediterranean Salt Meadows (M)</p> <p>Twaite Shad (R)</p>	<p>Coastal/intertidal habitats and species in vicinity of and east/north-east of Youghal and therefore in excess of 80 km from the site overland and more along the river channel. They are outside of the range of any possible impact of the PRD and are not considered further in the assessment.</p> <p>This was informed by reference to the distribution as detailed in best available scientific information from NPWS</p>				<p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives. All occur outside of any possible range of influence of the proposed development.</p>
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (R)</p>	<p>These qualifying habitats are recorded upstream and significantly downstream from the</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of</p>

<p>*Old sessile oak woods with Ilex and Blechnum in the British Isles (R)</p> <p>*Taxus baccata woods of the British Isles</p> <p>Killarney Fern (M)</p>	<p>site. They are outside of the range of any possible impact of the PRD and are not considered further in the assessment.</p> <p>This was informed by reference to the distribution as detailed in best available scientific information from NPWS</p>				<p>effects on these qualifying interests in view of their conservation objectives</p> <p>All occur outside of any possible range of influence of the proposed development.</p>
<p>Note: *Taxus baccata woods of the British Isles is a qualifying Annex 1 habitat for the Blackwater River (Cork/Waterford) SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this habitat.</p>					
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction, operation and decommissioning of this proposed development will not adversely affect the integrity of Blackwater River (Cork/Waterford) SAC in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects. Note that monitoring is included as best practice and does not imply any uncertainty regarding adverse effects or the effectiveness of any mitigation measures.</p>					

5.6. Appropriate Assessment – Conclusion

- 5.6.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended.
- 5.6.2. Having carried out screening for appropriate assessment of the project, it was concluded that the proposed development may have a significant effect on Blackwater River (Cork/Waterford) SAC. Consequently an appropriate assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.
- 5.6.3. Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Blackwater River (Cork/Waterford) SAC (site code 002170) or any other European site, in view of the site's Conservation Objectives.
- 5.6.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.
- 5.6.5. This conclusion is based on:
 - A full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of Blackwater River (Cork/Waterford) SAC.
 - Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC.

6.0 Conclusion and Recommendation

Having regard to the planning assessment in my report dated 24th August, 2018 and the appropriate assessment above I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

7.0 Reasons and Considerations

Having regard to:

- National and regional policy objectives in relation to renewable energy,
- The provisions of the Cork County Development Plan 2014-2020,
- The nature, scale, extent and layout of the proposed development,
- The topography of the site
- The existing hedging and screening on the site, and
- The pattern of development in the vicinity
- The Natura Impact Statement submitted,
- The report of the Inspector.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Stage 1

The Board considered the amended Screening for Appropriate Assessment, the Natura Impact Statement and associated documentation submitted with the application and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is Blackwater River (Cork/Waterford) SAC (site code 002170).

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the

submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for European Site, Blackwater River (Cork/Waterford) SAC (site code 002170), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

8.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 17th day of November 2017, the 22nd day of December 2017 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of April 2018 and on the 12th day of November, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority

prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The applicant shall comply with the mitigation measures contained in the Natura Impact Statement received by An Bord Pleanála on the 12th day of November, 2020.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

4.
 - 1) The permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
 - 2) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
 - 3) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays,

including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

5. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

6.
 - 1) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Landscape Layout drawing number LA 001 REV 04 submitted to the planning authority on the 15th day of November, 2017.
 - 2) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

7.
 - 1) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

- 2) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- 3) Cables within the site shall be located underground.
- 4) The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

Reason: In the interests of clarity, and of visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

8. A revised layout plan of the construction compound delineating the buildings to be retained, car parking provision, location of wheel wash and location of stockpiles shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure a proper standard of development.

9. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

Reason: To allow wildlife to continue to have access across the site.

10. The developer shall facilitate the archaeological monitoring of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. Buffer zones shall be established around:

- a) Ringfort CO007-001 (buffer zone A) as shown on Figure 1, and
- b) Zones A – G as outlined in Zones of Exclusion on Figures 9, 12 – 16 in the Archaeological Impact Assessment Report received by the planning authority on the 15th day of November, 2017.

The buffer zones shall be delimited using appropriate temporary boundary fencing and signage.

A site layout showing the location of the buffer zones supported by photographic evidence shall be submitted for the written agreement of the planning authority prior to commencement of development. No constructions works, stockpiling of topsoil, or any development, landscaping and/or planting shall take place within the designated buffer zone. No trees or plants shall be removed from this buffer zone.

Subsequent to the completion of development, the buffer zone shall remain around the Recorded Monument CO007-001. Planting within this buffer zone shall be limited to shallow rooted plants and /or grass.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. Buffer zones shall be established around features T1, T2, T12, T13, T18, T23 and T33 as outlined in Figures 1 – 7, 12-13, and 16 in the Archaeological Impact Assessment report received by the planning authority on the 15th day of November, 2017.

The buffers zones shall be delimited using appropriate temporary boundary fencing and signage until the solar panels are installed. No ground works shall take place in the designated buffer zones.

A site layout plan showing the location of the buffer zone supported by photographic evidence shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), generally in accordance with that received by An Bord Pleanála on the 12th day of November 2020. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic, a structural assessment and monitoring programme of the haul route and the off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

14. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory reinstatement of the local public road, if damaged by the transport of material to the site in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of local roads.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or Intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Pauline Fitzpatrick
Senior Planning Inspector

February, 2020